

Message Text

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FM USMISSION USBERLIN

TO AMEMBASSY BONN

INFO SECSTATE WASHDC 0738

AMEMBASSY BERLIN UNN

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AMEMBASSY MOSCOW

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C O N F I D E N T I A L USBERLIN 0661

E.O. 11652: GDS

TAGS: PGOV, PFOR, WB, UR, GW

SUBJECT: SOVIET INTERPRETATIONS OF THE QA--PRACTICAL
NECESSITY OF FRG TREATIES

REF: A) MOSCOW 4566; B) USBERLIN45 (NOTAL);

C) BONN 4740; D) BONN 5437

1. EMBASSY MOSCOW DISCUSSION WITH SOVIET MFA BERLIN
EXPERT TEREKHOV, REF A, IS CLEAREST EXPOSITION WE HAVE
SEEN OF EMERGING SOVIET ARGUMENT THAT QA IMPOSES TEST OF
"PRACTICAL NECESSITY" ON INTERNATIONAL AGREEMENTS WHICH
FRG WISHES TO EXTEND TO BERLIN. THIS THEME HAS BEEN
DEVELOPING FOR SOME TIME, NOTABLY IN SOVIET PROTEST OVER
EXTENSION TO BERLIN OF TWO TREATIES WITH AUSTRIA THAT
DEALT WITH BORDER AREAS FAR REMOVED FROM BERLIN AND WHICH
COULD NOT AFFECT BERLIN IN PRACTICAL WAY (REF B).
TEREKHOV'S STATEMENT THAT QA SAYS FRG INTERNATIONAL
AGREEMENTS WHICH DO NOT AFFECT SECURITY AND STATUS "CAN"
BE EXTENDED TO BERLIN, NOT THAT THEY MUST BE, AND THAT
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RELEVANCE OF PARTICULAR AGREEMENT SHOULD THEREFORE BE

STUDIED STRIKES US AS EFFORT TO MODIFY WHAT IS CLEAR LANGUAGE OF QA. ANNEX IV(A) OF QA, WHICH IS COMMUNICATION FROM US, UK, AND FRANCE TO SOVIETS, SAYS THAT ALLIES HAVE AGREED THAT, PROVIDED MATTERS OF SECURITY AND STATUS ARE NOT AFFECTED, "INTERNATIONAL AGREEMENTS AND ARRANGEMENTS ENTERED INTO BY THE FEDERAL REPUBLIC OF GERMANY MAY BE EXTENDED TO THE WESTERN SECTORS OF BERLIN...." SOVIET COMMUNICATION TO ALLIES IN ANNEX IV(B) IS HOWEVER, CATEGORIC: "PROVIDED THAT MATTERS OF SECURITY AND STATUS ARE NOT AFFECTED, FOR ITS PART IT WILL RAISE NO OBJECTION TO --THE EXTENSION TO THE WESTERN SECTORS OF BERLIN OF INTERNATIONAL AGREEMENTS AND ARRANGEMENTS ENTERED INTO BY THE FEDERAL REPUBLIC OF GERMANY..."

2. ALLIED RESPONSE TO SOVIET PROTEST ON FRG-AUSTRIAN TREATIES WHICH WILL BE MADE SHORTLY HERE NOW THAT ALLIED AGREEMENT RECEIVED ON BONN GROUP TEXT, REF C AND D, TO REBUT "PRACTICAL NECESSITY" ARGUMENT. IT WOULD BE USEFUL, HOWEVER, IF EXPLICIT LANGUAGE OF QA COULD ALSO BE CALLED TO ATTENTION OF SOVIETS SHOULD THEY CONTINUE TO ADVANCE ARGUMENT IN LESS FORMAL CIRCUMSTANCES. BETWEEN SOVIETS' BROAD INTERPRETATION OF WHAT AFFECTS SECURITY AND STATUS OF BERLIN AND THEIR INTERPRETATION OF WHAT DOESN'T AFFECT SECURITY AND STATUS BUT IS OF PRACTICAL NECESSITY TO CITY, SHOULD THEY ESTABLISH THOSE AS VALID CRITERIA, THERE WOULD OBVIOUSLY BE LITTLE LEFT OF QA PROVISION ON THIS ASPECT OF FRG-BERLIN TIES. GEORGE

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